

United States District Court  
Northeastern District of California

**FILED**

NOV 22 2021

Randy Lamar Black  
Pro Se Plaintiff

ss.

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY ak DEPUTY CLERK

Case No. 2:21-cv-2167 EFB (PC)

- 1.) Warden P. Thompson ;
- 2.) A. Warden K. Brown ;
- 3.) A. Warden A. Bowware ;
- 4.) Case Manager N. Kendryna ;
- 5.) All employees of FCI Herlong ;
- 6.) Director of Bureau of Prisons (Unknown) ;
- 7.) Regional Director of Western Division (Unknown) ;
- 8.) Regional Director of Southeastern Division (Unknown) ;
- 9.) Doctor FCI Herlong D. Alfred ; and
- 10.) Known and Unknown Defendant's .

Emergency Motion / Pro Se Review

Judicial Rules of Evidence 201 (d)

Notice Shall Be Taken of Constitutional Violations

It is the policy of the B.O.P. that if (1) one inmate violates the rules and regulations of the B.O.P. All inmates are guilty of the offense under the Fourteenth (14) Amendment (equal justice) all B.O.P. employees are all guilty.

Black (Plaintiff) respectfully ask the Court to hold all in violation of the rules of the United States Constitution.

### Subject Matter Jurisdiction

Black is in custody by way of Judgment from the North-eastern District Court @ Gainesville, Ga, Case No. 96cr20. The B.O.P. transferred Black from U.S.P. Atlanta to Herlong, CA. Herlong is within this territory of this Court's Jurisdiction. So accordingly this Court has subject matter over Black's Custody and the Court may proceed to entertain this Motion.

### Claim for Relief

No set of conditions of confinement under the present circumstances "Could Be Constitutional" and could not be under the past circumstances as the Plaintiff was a victim, causing pain (unwantonally) and even Reckless Endangerment of a

Federal Prisoner's life. (A federal statute not a common law). A violation of the (14th) Amendments rule of objective reasonableness, (8th) Amendment's Cruel and Unusual Punishment; and the (5th) Amendments right to due process. ~~of certain the defendant's have shown deliberate indifference toward Black life and well being.~~

### Claims

1.) Violation of the 115<sup>th</sup> Congress' First Step Act's Mandate. A federal inmate is to be held in custody by the B.O.P. within 500 miles of his residency. Black lives in Commerce, Georgia several thousands of miles away. A violation of clearly established federally law. Black put Warden Thompson on Notice of the violation by letter. The Warden violated the rule and has not fixed said.

2) Black's life was put in jeopardy by USP Atlanta employee's wrongful actions bringing in drugs, cellphones, and know and unknown contraband. It is a known fact that Atlanta USP skipped <sup>Black</sup> ~~the~~ because of this matter ~~and these~~ was ~~because for~~ a federal crime's committ<sup>ed</sup>. [Endanger-  
ment of a Inmate's Life]. Further On 9/9/2021 Black was  
Tested for Covid 19 and the test result was ~~positive~~ posi-  
tive. Black would not have been put in this position if  
not for USP Atlanta's violation of security and violation of  
their oath of office ~~and~~ violating federal drug laws.  
Black did not have Covid 19 when tested at USP Atlanta and  
Tested further when he come in the back door of FCI Herlong.  
Herlong's FCI employee's gave Black the Covid 19 it would be  
safe to state and put Black's life in danger. (Black's Age 66)

with several medical matters. (High Blood Pressure, Sinus, hernia, cataract surgery needed, and hearing problems) The BOP transfer was to a prison in between (2) two forest fires. Black <sup>states</sup> ~~states~~ that the (ashes) and hazardous ~~smoke~~ <sup>smoke</sup> further endangered Black's life. ~~He~~ Black could not breathe he asked for medical help during the Covid 19. Black was put in isolation until 9/20/21. The doctor did not ever examined Black, <sup>(No)</sup> ~~A. Alfred~~ did not ever check on Black's condition until after (6) days, promised antibiotic did not fulfill that promise. Black's temperature was so high he would pass out from the fever and pain. A.W. Brown would not even let Black get ice for the fever, deliberate indifference is shown plus cruel and unusual punishment. Black's only meals were prepared by the kitchen (Sandwiches). Black states under the ~~other~~

PLB. 10/30/21

Perjury, he still has not felt right since and does not know what the ~~future~~ future will develop into as far as the Covid 19 effect without treatment. Black on 10/25/2021 was allowed to go to the Commissary where he brought (no aspirins). Black still suffers respiratory problems (he can't breathe properly) headaches nerves is shot and fear of the B.D.P. handling of his medical emergency knowing full well the B.D.P. FCI Herlong will let him die if he gets sick again. The sinus pills at the Commissary prove no help. Black still has trouble breathing. When he lie's down the (could be ulcer) high hernia blocks his breathing and his sinus's are stopping his breathing. FCI Herlong does not even have a pharmacy. How is this not a federal crime. FCI Herlong should be closed because of no medical and not even trying to fix the ~~problem~~

3) Black has a sentence of life imprisonment and sentenced

To the custody of the B.O.P. There surely is a question if the Judgment is null because of the foregoing violation of the B.O.P. and no set of conditions of confinement under these circumstances could be constitutional continued. ~~Black~~ is dizzy from this;

4.) Black entered FCI Herlong on or about the last of July 2021. On August 12, 2021 Black sent a Cop-out to his Case Manager N. Kendryna requesting him to mail a Motion to this Court and requesting this Courts address. Kendryna refused. Black asked this because A.W. Brown would not allow him to buy stamps, envelopes, and paper to file his motion. Black asserts that Brown violated due process to cover up and conceal the within. All FCI Herlong employee's should be held accountable because they knew of the matter or should have known. Black has not received his law materials because of the fact that the A.W.'s, and staff

did not want Atlanta inmates on their compound and therefore held ~~at~~ Black's legal material and personal effects. Black was and still is being denied due process. This is the reason <sup>Black</sup> ~~Black~~ is not citing case laws, the Prison has impaired Black's right to file his grievances. Black respectfully request the Court to appoint counsel and order the FCI Warden to provide Black with his law books and material and give a full physical and mental evaluations as to the wrongful act. Why this ever happened Black asserts that the willful misconduct should not go unpunished and Black is a victim of the will misconduct.

Conclusion- Black requests relief is granted as deemed fit and fair by the Honorable Court, Black asserts under the Constitution he is not legally detained and warrants deliverance from his sentence and the B.O.P. 5 Custody immediately / Plus Black asks for damages.

Black is in Covid 19 Lockdown and therefore is granted exclusion from the Rules of Court and his Pro Se Motion has shown cause to go further. The government shall respond within 30 days if objection are taken.

Please Allow Clerk To Electronically File To The US Attorney.  
Respectfully Submitted  
10/30/2021  
Randy S. Black  
Reg. No. 47107019  
FCI Herlong  
P.O. Box 800  
Herlong, CA. 96113

Oath of Perjury

I do hereby certify that the within is true and correct as my memory serves right and the Covid 19 has not effected my ability to think and prepare said.

Respectfully

RSB  
10/30/2021

I Thank The Clerk & Court  
for a review.

Re: Mail on 11/12/2021 To Be Docketed  
Previously sent to Redding District Court  
Returned on this date. Thanks  
Randy S. Black